

# City of Detroit

## CITY COUNCIL

DAVID D. WHITAKER  
Director  
(313) 224-4946

DIVISION OF RESEARCH & ANALYSIS  
Coleman A. Young Municipal Center  
2 Woodward Avenue, Suite 216  
Detroit, Michigan 48226  
(313) 224-4946  
FAX: (313) 224-0368

PEGGY ROBINSON  
Deputy Director  
(313) 224-4946

TO: The Honorable Detroit City Council

FROM: David Whitaker *DW*  
Pamela Osborne *PO*

DATE: June 15, 2006

RE: **City Council Approval of Fees in the Buildings and Safety Engineering Department**

---

This memo is offered in response to Your Honorable Body's request to determine if the Detroit City Code, 290-H authorizes the Board of Rules to establish fees for the Buildings and Safety Engineering Department, as opposed to the City Council directly approving the fees.

The Detroit City Charter effective January 1, 1997, Section 9-507 *Service Fees*, states:

Any agency of the city may, with the **approval of the city council**, charge an admission or service or service fee to any facility operated, or for any service provided, by an agency.<sup>1</sup> (Emphasis added.)

The Detroit City Code, 290-H at Section 12-11-31.0 *Board of Rules* states:

The Board of Rules shall consist of seven (7) members, the Director (Buildings and Safety Engineering Department), the Director of the Public Lighting Department, the Sanitary Engineer of the Health Department, the Fire Marshal, and, in addition a mechanical engineer, a structural engineer, and a fire-prevention engineer, who are to be appointed by the Mayor to serve at his will and pleasure. Any vacancy in office shall be filled by the Mayor.

---

<sup>1</sup> This Section of the Charter grants the City Council broad authority to establish fees and should be read in light of Section 1-103 that called for the Charter language to be liberally interpreted; this is to say, that the powers expressed therein should not be construed in a manner that would limit in any way the general powers expressly provided for.

The Board of Rules shall provide rules and regulations for the issuance of all licenses and permits pertaining to the work of the department as may be required by all codes and ordinances of the city. **The Board shall, by general rules, prescribe the fees for examinations, permits, licenses, inspection of boilers, buildings, elevators, testing of materials and all other work of the department.** (Parenthesis and Emphasis added.)

Although the City Council has the authority to set service fees, and by reasonable extension, to change those fees, Your Honorable Body's has, by and through your passage of Ordinance No. 290-H, delegated to the Board of Rules the authority "to prescribe the fees for examinations, permits, licenses, inspection of boilers, buildings, elevators, testing of materials and all other work of the department (Department of Building and Safety Engineering.)" Given that Council has delegated the ministerial function of setting fees to the Board of Rules in this regard, the present action taking by the Board seems to be permissible.

Of course, the City Council has the authority to amend the ordinance to indicate that the Board of Rules can propose fees on an annual basis by a certain month, subject to the City Council's approval, or such other changes that the City Council approves by amendments.